



FAQ Number: 1666

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Question: Does a facility have an obligation to notify DHS if the facility is closing?

Answer:

Yes. A facility closure may be considered a material modification to a covered facility. In this case, the facility must complete and submit a revised Top-Screen to the Department of Homeland Security (DHS) within 60 days of the material modification (i.e., its closure), in accordance with 6 C.F.R. § 27.210(d), *available at:* <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=5490ca42ba3517c7c9aec9c47cefc750&r=PART&n=6y1.0.1.1.11>.

When completing a revised Top-Screen, the submitter will be prompted to provide information regarding the Chemicals of Interest and a reason for the new submission. A closed facility should select the appropriate response, such as “sale or transfer,” and then provide more detail about the material modification in the free text field.

In conjunction with the revised Top-Screen, the facility may submit a “Request for Redetermination” to the Department, asking DHS to reconsider the facility’s high-risk status based on its new information. *See* 6 C.F.R. § 27.205(b), *available at:* <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=5490ca42ba3517c7c9aec9c47cefc750&r=PART&n=6y1.0.1.1.11>.